

Appl. No. 10/064,227
Amdt. dated October 30, 2003
Reply to Office action of September 30, 2003

REMARKS

This Amendment is in response to the Office Action mailed September 30, 2003. In the Office Action, the Examiner issued an Election/Restriction requirements.

In view of the examiner's earlier restriction requirement, applicant retains the right to present claims 7-8 in a divisional application

Election/Restriction

1. The Examiner requires restriction to one of the following inventions:

- I. Claims 1-7 and 20-25, drawn to a cutter.
- II. Claims 8-13, drawn to a controller.
- III. Claims 14-19, drawn to a method of cutting a web.

Applicant elects invention II, claims 8-13, with traverse.

The Examiner asserts that restriction of Invention III is proper because the process as claimed can be practiced by another materially different apparatus or by hand. The Examiner asserts that the process can be performed by multiple machines or devices. Applicant respectfully submits that the process as claimed requires Invention II, a controller. It is immaterial whether the controller and the device for advancing the web are part of the same machine or are multiple machines. The process requires use of a controller having all the particulars of invention II.

Applicant respectfully submits that claims 20-25 require all the particulars of invention II. Therefore, applicant respectfully submits that claims 20-25 are a fourth invention drawn to a cutter that requires all the particulars of invention II for which Election/Restriction is not appropriate.

Applicant has amended claim 1 to require all the particulars of invention II. Applicant respectfully submits that claims 1-7 now claim an invention for which Election/Restriction is not appropriate.

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Conclusion

Applicant respectfully requests examination on the merits in this case.

Respectfully submitted,

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Dated: October 30, 2003

By


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